CHAPTER XIII

PROVING A WILL

WHEN a testator dies, it is necessary to "prove" his will before his estate can be wound up.

The method of proving a will in England is for the executor or executors to swear an "oath" verifying the death of the testator and the will and undertaking to administer the estate, and also fill up and swear an Inland Revenue affidavit giving full details of the testator's estate.

If an executor desires to have nothing to do with winding up the estate he can "renounce" his right, by filling up and signing a form of "renunciation." If he is the sole executor—or if all the executors renounce—a grant of letters of administration with will annexed will be granted to one of the persons entitled to share in the residue.

When an executor instructs his solicitor to prove the will, he should be asked for various things.

First of all he should be asked for the will. The solicitor should peruse this carefully—looking particularly at the clause under which the executor is appointed.

The solicitor, on receiving the executor and perusing the will, will bombard him with questions—all of which are essential to the preparation of the papers for proving the will—or for "probate" as it is called.

He will want to know the testator's address and occupation or description at the time of his death,

when and where he died, how old he was, whether he left a widow or children or other relatives.